

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MAINSTREAM FIBER NETWORK, LLC,)
)
)
 Plaintiff,)
)
)
 vs.) No. 1:20-cv-01338-JMS-DML
)
)
NEW HAMPSHIRE INSURANCE COMPANY,)
)
)
 Defendant.)
)
)
 vs.)
)
MATTHEW PARKER and)
PARKER, INC. d/b/a THE PARKER GROUP,)
)
 Third-Party Defendants.)

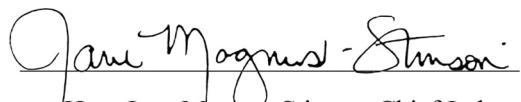
ORDER

On February 10, 2021, the Magistrate Judge issued her Order on Plaintiff's Motion to File Amended Complaint and Report and Recommendation to Remand to Marion Superior Court. [[Filing No. 49](#).] The Order allowed Plaintiff Mainstream Fiber Network, LLC ("Mainstream") to amend its Complaint to assert its own claim against Third Party Defendants Michael Parker and Parker, Inc. (collectively, "[the Parker Defendants](#)"). [[Filing No. 49 at 4-7](#).] However, because Mainstream and the Parker Defendants are citizens of Indiana for purposes of diversity jurisdiction, permitting the amendment deprived the Court of diversity jurisdiction over this case, and the Magistrate Judge recommended that the case be remanded to the Marion Superior Court. [[Filing No. 49 at 7](#).]

The parties were afforded due opportunity pursuant to statute and the rules of this Court to file objections to the Report and Recommendation, and none were filed. The Court, having considered the Magistrate Judge's Report and Recommendation, hereby **ADOPTS** the Magistrate

Judge's Report and Recommendation, [[Filing No. 49](#)]. The Clerk is **DIRECTED** to docket Plaintiff's Second Amended Complaint, [[Filing No. 39-1](#)], and the related exhibits, [[Filing No. 39-2](#); [Filing No. 39-3](#)], as the operative complaint in this action. The Court **ORDERS** that this matter be **REMANDED** to the Marion Superior Court.

Date: 2/26/2021



Hon. Jane Magnus-Stinson, Chief Judge
United States District Court
Southern District of Indiana

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